

REMARKS

Claims 1-7 remain in the application and have not been amended.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by the PCT Application 02/25764 to McGrath. This rejection is respectfully traversed in view of the remarks below.

Claim 1 of the claimed invention requires that the claimed membrane electrode assembly i.e. the anode, the cathode and the proton exchange membrane (PEM) positioned between the anode and the cathode, include a polymer, which feature is supported by paragraph [0042] of the specification. This is not found in the McGrath reference.

In addition, claim 7 requires that the PEM and one of the anode and cathode would comprise a sulfonated copolymer that would be the same. The applicant notes and the McGrath reference discloses in the Abstract that 'the sulfonated polymers can be formed into membranes that may be used in proton exchange membrane fuel cells or as ion exchange membranes'. Thus, the McGrath reference reports only the use of sulfonated polymers for the PEM and not for the electrodes of the assembly as in the claimed invention.

Further, even though Figure 1 in WO 02/25764 to McGrath shows a proton exchange membrane (4) and a black platinum foil electrode (5) of a conductivity cell, Figure 1 does not show or describe the use of a polymer in the anode and cathode as required by claim 1, or the use of a sulfonated polymer in the anode or cathode as required by claim 7.

Therefore, as the membrane electrode assembly disclosed by McGrath reference is deficient in the salient features recited in claims 1-7 of the present application, the anticipation rejection should be withdrawn.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-7 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone

number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", is written over the typed name.

Michael E. Whitham

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